



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2936

Introduced 2/1/2012, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Dietetic and Nutrition Services Practice Act. Changes the short title to the Dietitian Nutritionist Practice Act. Provides that any person who practices, offers to practice, attempts to practice, or holds oneself out as being able to provide dietetics and nutrition services without being licensed under the Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department of Financial and Professional Regulation in an amount not to exceed \$10,000 (instead of \$5,000) for each offense as determined by the Department. Reduces the number of members on the Dietitian Nutritionist Practice Board to 5 (instead of 7). Provides that to qualify for licensure as a dietitian nutritionist, the number of hours completed in a dietetic internship or documented, supervised practice experience in dietetics and nutrition services is a minimum of 1,200 hours (instead of 900 hours). Provides that the Department may, with regard to any license, refuse to issue or renew or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including imposing fines not to exceed \$10,000 (instead of \$1,000) per violation, for any one or any combination of specified offenses. Creates a provision concerning the confidentiality of all information collected by the Department in the course of an examination or investigation of a licensee or applicant. Repeals provisions concerning transition and deposit of fees and fines. Makes other changes. Amends the Regulatory Sunset Act to extend the Dietitian Nutritionist Practice Act from January 1, 2013 to January 1, 2023. Effective immediately.

LRB097 16902 CEL 62090 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. The Regulatory Sunset Act is amended by changing  
5 Section 4.23 and by adding Section 4.33 as follows:

6 (5 ILCS 80/4.23)

7 Sec. 4.23. Acts and Sections repealed on January 1, 2013.

8 The following Acts and Sections of Acts are repealed on January  
9 1, 2013:

10 ~~The Dietetic and Nutrition Services Practice Act.~~

11 The Elevator Safety and Regulation Act.

12 The Fire Equipment Distributor and Employee Regulation Act  
13 of 2011.

14 The Funeral Directors and Embalmers Licensing Code.

15 The Naprapathic Practice Act.

16 The Professional Counselor and Clinical Professional  
17 Counselor Licensing Act.

18 The Wholesale Drug Distribution Licensing Act.

19 Section 2.5 of the Illinois Plumbing License Law.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-1499, eff. 1-18-11.)

21 (5 ILCS 80/4.33 new)

22 Sec. 4.33. Act repealed on January 1, 2023. The following

1 Act is repealed on January 1, 2023:

2 The Dietitian Nutritionist Practice Act.

3 Section 2. The Department of Public Health Powers and  
4 Duties Law of the Civil Administrative Code of Illinois is  
5 amended by changing Section 2310-210 as follows:

6 (20 ILCS 2310/2310-210) (was 20 ILCS 2310/55.62a)

7 Sec. 2310-210. Advisory Panel on Minority Health.

8 (a) In this Section:

9 "Health profession" means any health profession regulated  
10 under the laws of this State, including, without limitation,  
11 professions regulated under the Illinois Athletic Trainers  
12 Practice Act, the Clinical Psychologist Licensing Act, the  
13 Clinical Social Work and Social Work Practice Act, the Illinois  
14 Dental Practice Act, the Dietitian Nutritionist ~~Dietetic and~~  
15 ~~Nutrition Services~~ Practice Act, the Marriage and Family  
16 Therapy Licensing Act, the Medical Practice Act of 1987, the  
17 Naprapathic Practice Act, the Nurse Practice Act, the Illinois  
18 Occupational Therapy Practice Act, the Illinois Optometric  
19 Practice Act of 1987, the Illinois Physical Therapy Act, the  
20 Physician Assistant Practice Act of 1987, the Podiatric Medical  
21 Practice Act of 1987, the Professional Counselor and Clinical  
22 Professional Counselor Licensing Act, and the Illinois  
23 Speech-Language Pathology and Audiology Practice Act.

24 "Minority" has the same meaning as in Section 2310-215.

1 (b) The General Assembly finds as follows:

2 (1) The health status of individuals from ethnic and  
3 racial minorities in this State is significantly lower than  
4 the health status of the general population of the State.

5 (2) Minorities suffer disproportionately high rates of  
6 cancer, stroke, heart disease, diabetes, sickle-cell  
7 anemia, lupus, substance abuse, acquired immune deficiency  
8 syndrome, other diseases and disorders, unintentional  
9 injuries, and suicide.

10 (3) The incidence of infant mortality among minorities  
11 is almost double that for the general population.

12 (4) Minorities suffer disproportionately from lack of  
13 access to health care and poor living conditions.

14 (5) Minorities are under-represented in the health  
15 care professions.

16 (6) Minority participation in the procurement policies  
17 of the health care industry is lacking.

18 (7) Minority health professionals historically have  
19 tended to practice in low-income areas and to serve  
20 minorities.

21 (8) National experts on minority health report that  
22 access to health care among minorities can be substantially  
23 improved by increasing the number of minority health  
24 professionals.

25 (9) Increasing the number of minorities serving on the  
26 facilities of health professional schools is an important

1 factor in attracting minorities to pursue a career in  
2 health professions.

3 (10) Retaining minority health professionals currently  
4 practicing in this State and those receiving training and  
5 education in this State is an important factor in  
6 maintaining and increasing the number of minority health  
7 professionals in Illinois.

8 (11) An Advisory Panel on Minority Health is necessary  
9 to address the health issues affecting minorities in this  
10 State.

11 (c) The General Assembly's intent is as follows:

12 (1) That all Illinoisans have access to health care.

13 (2) That the gap between the health status of  
14 minorities and other Illinoisans be closed.

15 (3) That the health issues that disproportionately  
16 affect minorities be addressed to improve the health status  
17 of minorities.

18 (4) That the number of minorities in the health  
19 professions be increased.

20 (d) The Advisory Panel on Minority Health is created. The  
21 Advisory Panel shall consist of 25 members appointed by the  
22 Director of Public Health. The members shall represent health  
23 professions and the General Assembly.

24 (e) The Advisory Panel shall assist the Department in the  
25 following manner:

26 (1) Examination of the following areas as they relate

1 to minority health:

2 (A) Access to health care.

3 (B) Demographic factors.

4 (C) Environmental factors.

5 (D) Financing of health care.

6 (E) Health behavior.

7 (F) Health knowledge.

8 (G) Utilization of quality care.

9 (H) Minorities in health care professions.

10 (2) Development of monitoring, tracking, and reporting  
11 mechanisms for programs and services with minority health  
12 goals and objectives.

13 (3) Communication with local health departments,  
14 community-based organizations, voluntary health  
15 organizations, and other public and private organizations  
16 statewide, on an ongoing basis, to learn more about their  
17 services to minority communities, the health problems of  
18 minority communities, and their ideas for improving  
19 minority health.

20 (4) Promotion of communication among all State  
21 agencies that provide services to minority populations.

22 (5) Building coalitions between the State and  
23 leadership in minority communities.

24 (6) Encouragement of recruitment and retention of  
25 minority health professionals.

26 (7) Improvement in methods for collecting and

1 reporting data on minority health.

2 (8) Improvement in accessibility to health and medical  
3 care for minority populations in under-served rural and  
4 urban areas.

5 (9) Reduction of communication barriers for  
6 non-English speaking residents.

7 (10) Coordination of the development and dissemination  
8 of culturally appropriate and sensitive education  
9 material, public awareness messages, and health promotion  
10 programs for minorities.

11 (f) On or before January 1, 1997 the Advisory Panel shall  
12 submit an interim report to the Governor and the General  
13 Assembly. The interim report shall include an update on the  
14 Advisory Panel's progress in performing its functions under  
15 this Section and shall include recommendations, including  
16 recommendations for any necessary legislative changes.

17 On or before January 1, 1998 the Advisory Panel shall  
18 submit a final report to the Governor and the General Assembly.  
19 The final report shall include the following:

20 (1) An evaluation of the health status of minorities in  
21 this State.

22 (2) An evaluation of minority access to health care in  
23 this State.

24 (3) Recommendations for improving the health status of  
25 minorities in this State.

26 (4) Recommendations for increasing minority access to

1 health care in this State.

2 (5) Recommendations for increasing minority  
3 participation in the procurement policies of the health  
4 care industry.

5 (6) Recommendations for increasing the number of  
6 minority health professionals in this State.

7 (7) Recommendations that will ensure that the health  
8 status of minorities in this State continues to be  
9 addressed beyond the expiration of the Advisory Panel.

10 (Source: P.A. 95-639, eff. 10-5-07.)

11 Section 3. The Illinois Insurance Code is amended by  
12 changing Section 356w as follows:

13 (215 ILCS 5/356w)

14 Sec. 356w. Diabetes self-management training and  
15 education.

16 (a) A group policy of accident and health insurance that is  
17 amended, delivered, issued, or renewed after the effective date  
18 of this amendatory Act of 1998 shall provide coverage for  
19 outpatient self-management training and education, equipment,  
20 and supplies, as set forth in this Section, for the treatment  
21 of type 1 diabetes, type 2 diabetes, and gestational diabetes  
22 mellitus.

23 (b) As used in this Section:

24 "Diabetes self-management training" means instruction in

1 an outpatient setting which enables a diabetic patient to  
2 understand the diabetic management process and daily  
3 management of diabetic therapy as a means of avoiding frequent  
4 hospitalization and complications. Diabetes self-management  
5 training shall include the content areas listed in the National  
6 Standards for Diabetes Self-Management Education Programs as  
7 published by the American Diabetes Association, including  
8 medical nutrition therapy and education programs, as defined by  
9 the contract of insurance, that allow the patient to maintain  
10 an A1c level within the range identified in nationally  
11 recognized standards of care.

12 "Medical nutrition therapy" shall have the meaning  
13 ascribed to that term ~~"medical nutrition care"~~ in the Dietitian  
14 Nutritionist Dietetic and Nutrition Services Practice Act.

15 "Physician" means a physician licensed to practice  
16 medicine in all of its branches providing care to the  
17 individual.

18 "Qualified provider" for an individual that is enrolled in:

19 (1) a health maintenance organization that uses a  
20 primary care physician to control access to specialty care  
21 means (A) the individual's primary care physician licensed  
22 to practice medicine in all of its branches, (B) a  
23 physician licensed to practice medicine in all of its  
24 branches to whom the individual has been referred by the  
25 primary care physician, or (C) a certified, registered, or  
26 licensed network health care professional with expertise

1 in diabetes management to whom the individual has been  
2 referred by the primary care physician.

3 (2) an insurance plan means (A) a physician licensed to  
4 practice medicine in all of its branches or (B) a  
5 certified, registered, or licensed health care  
6 professional with expertise in diabetes management to whom  
7 the individual has been referred by a physician.

8 (c) Coverage under this Section for diabetes  
9 self-management training, including medical nutrition  
10 education, shall be limited to the following:

11 (1) Up to 3 medically necessary visits to a qualified  
12 provider upon initial diagnosis of diabetes by the  
13 patient's physician or, if diagnosis of diabetes was made  
14 within one year prior to the effective date of this  
15 amendatory Act of 1998 where the insured was a covered  
16 individual, up to 3 medically necessary visits to a  
17 qualified provider within one year after that effective  
18 date.

19 (2) Up to 2 medically necessary visits to a qualified  
20 provider upon a determination by a patient's physician that  
21 a significant change in the patient's symptoms or medical  
22 condition has occurred. A "significant change" in  
23 condition means symptomatic hyperglycemia (greater than  
24 250 mg/dl on repeated occasions), severe hypoglycemia  
25 (requiring the assistance of another person), onset or  
26 progression of diabetes, or a significant change in medical

1 condition that would require a significantly different  
2 treatment regimen.

3 Payment by the insurer or health maintenance organization  
4 for the coverage required for diabetes self-management  
5 training pursuant to the provisions of this Section is only  
6 required to be made for services provided. No coverage is  
7 required for additional visits beyond those specified in items  
8 (1) and (2) of this subsection.

9 Coverage under this subsection (c) for diabetes  
10 self-management training shall be subject to the same  
11 deductible, co-payment, and co-insurance provisions that apply  
12 to coverage under the policy for other services provided by the  
13 same type of provider.

14 (d) Coverage shall be provided for the following equipment  
15 when medically necessary and prescribed by a physician licensed  
16 to practice medicine in all of its branches. Coverage for the  
17 following items shall be subject to deductible, co-payment and  
18 co-insurance provisions provided for under the policy or a  
19 durable medical equipment rider to the policy:

- 20 (1) blood glucose monitors;  
21 (2) blood glucose monitors for the legally blind;  
22 (3) cartridges for the legally blind; and  
23 (4) lancets and lancing devices.

24 This subsection does not apply to a group policy of  
25 accident and health insurance that does not provide a durable  
26 medical equipment benefit.

1 (e) Coverage shall be provided for the following  
2 pharmaceuticals and supplies when medically necessary and  
3 prescribed by a physician licensed to practice medicine in all  
4 of its branches. Coverage for the following items shall be  
5 subject to the same coverage, deductible, co-payment, and  
6 co-insurance provisions under the policy or a drug rider to the  
7 policy:

8 (1) insulin;

9 (2) syringes and needles;

10 (3) test strips for glucose monitors;

11 (4) FDA approved oral agents used to control blood  
12 sugar; and

13 (5) glucagon emergency kits.

14 This subsection does not apply to a group policy of  
15 accident and health insurance that does not provide a drug  
16 benefit.

17 (f) Coverage shall be provided for regular foot care exams  
18 by a physician or by a physician to whom a physician has  
19 referred the patient. Coverage for regular foot care exams  
20 shall be subject to the same deductible, co-payment, and  
21 co-insurance provisions that apply under the policy for other  
22 services provided by the same type of provider.

23 (g) If authorized by a physician, diabetes self-management  
24 training may be provided as a part of an office visit, group  
25 setting, or home visit.

26 (h) This Section shall not apply to agreements, contracts,

1 or policies that provide coverage for a specified diagnosis or  
2 other limited benefit coverage.

3 (Source: P.A. 97-281, eff. 1-1-12.)

4 Section 5. The Dietetic and Nutrition Services Practice Act  
5 is amended by changing Sections 1, 10, 15, 15.5, 20, 30, 37,  
6 45, 65, 70, 80, 85, 95, 97, 100, 105, 110, 115, 120, 125, 130,  
7 135, 140, 145, 155, 165, 175, and 180 and by adding Section 108  
8 as follows:

9 (225 ILCS 30/1) (from Ch. 111, par. 8401-1)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 1. Short title. This Act may be cited as the Dietitian  
12 Nutritionist ~~Dietetic and Nutrition Services~~ Practice Act.

13 (Source: P.A. 87-784.)

14 (225 ILCS 30/10) (from Ch. 111, par. 8401-10)

15 (Section scheduled to be repealed on January 1, 2013)

16 Sec. 10. Definitions. As used in this Act:

17 "Address of record" means the designated address recorded  
18 by the Department in the applicant's or licensee's application  
19 file or license file as maintained by the Department's  
20 licensure maintenance unit. It is the duty of the applicant or  
21 licensee to inform the Department of any change of address and  
22 those changes must be made either through the Department's  
23 website or by contacting the Department.

1 "Board" means the Dietitian Nutritionist Practice Board  
2 appointed by the Secretary ~~Director~~.

3 "Department" means the Department of Financial and  
4 Professional Regulation.

5 "Dietetics and nutrition services" means the integration  
6 and application of principles derived from the sciences of food  
7 and nutrition to provide for all aspects of nutrition care for  
8 individuals and groups, including, but not limited to:

9 (1) nutrition counseling; "nutrition counseling" means  
10 advising and assisting individuals or groups on  
11 appropriate nutrition intake by integrating information  
12 from the nutrition assessment;

13 (2) nutrition assessment; "nutrition assessment" means  
14 the evaluation of the nutrition needs of individuals or  
15 groups using appropriate data to determine nutrient needs  
16 or status and make appropriate nutrition recommendations;

17 (3) medically prescribed diet; "medically prescribed  
18 diet" means a diet prescribed when specific food or  
19 nutrient levels need to be monitored, altered, or both as a  
20 component of a treatment program for an individual whose  
21 health status is impaired or at risk due to disease,  
22 injury, or surgery and may only be performed as initiated  
23 by or in consultation with a physician licensed to practice  
24 medicine in all of its branches;

25 (4) medical nutrition therapy; "medical nutrition  
26 therapy" means the component of nutrition care that deals

1       with:

2               (A) interpreting and recommending nutrient needs  
3               relative to medically prescribed diets, including, but  
4               not limited to, enteral feedings, specialized  
5               intravenous solutions, and specialized oral feedings;

6               (B) food and prescription drug interactions; and

7               (C) developing and managing food service  
8               operations whose chief function is nutrition care and  
9               provision of medically prescribed diets;

10              (5) nutrition services for individuals and groups;

11              "nutrition services for individuals and groups" includes,  
12              but is not limited to, all of the following:

13                      (A) providing nutrition assessments relative to  
14                      preventive maintenance or restorative care;

15                      (B) providing nutrition education and nutrition  
16                      counseling as components of preventive maintenance or  
17                      restorative care; and

18                      (C) developing and managing systems whose chief  
19                      function is nutrition care; nutrition services for  
20                      individuals and groups does not include medical  
21                      nutrition therapy as defined in this Act; and

22              (6) restorative; "restorative" means the component of  
23              nutrition care that deals with oral dietary needs for  
24              individuals and groups; activities shall relate to the  
25              metabolism of food and the requirements for nutrients,  
26              including dietary supplements for growth, development,

1 maintenance, or attainment of optimal health.

2 ~~"Dietetics" means the integration and application of~~  
3 ~~principles derived from the sciences of food and nutrition to~~  
4 ~~provide for all aspects of nutrition care for individuals and~~  
5 ~~groups, including, but not limited to nutrition services and~~  
6 ~~medical nutrition therapy as defined in this Act.~~

7 ~~"Director" means the Director of the Department of~~  
8 ~~Professional Regulation.~~

9 "Licensed dietitian nutritionist" means a person licensed  
10 under this Act to practice dietetics and nutrition services, as  
11 defined in this Section ~~including medical nutrition therapy.~~  
12 Activities of a licensed dietitian nutritionist do not include  
13 the medical differential diagnosis of the health status of an  
14 individual.

15 ~~"Medical nutrition therapy" means the component of~~  
16 ~~nutrition care that deals with:~~

17 ~~(a) interpreting and recommending nutrient needs~~  
18 ~~relative to medically prescribed diets, including, but not~~  
19 ~~limited to tube feedings, specialized intravenous~~  
20 ~~solutions, and specialized oral feedings;~~

21 ~~(b) food and prescription drug interactions; and~~

22 ~~(c) developing and managing food service operations~~  
23 ~~whose chief function is nutrition care and provision of~~  
24 ~~medically prescribed diets.~~

25 ~~"Medically prescribed diet" means a diet prescribed when~~  
26 ~~specific food or nutrient levels need to be monitored, altered,~~

1 ~~or both as a component of a treatment program for an individual~~  
2 ~~whose health status is impaired or at risk due to disease,~~  
3 ~~injury, or surgery and may only be performed as initiated by or~~  
4 ~~in consultation with a physician licensed to practice medicine~~  
5 ~~in all of its branches.~~

6 ~~"Nutrition assessment" means the evaluation of the~~  
7 ~~nutrition needs of individuals or groups using appropriate data~~  
8 ~~to determine nutrient needs or status and make appropriate~~  
9 ~~nutrition recommendations.~~

10 ~~"Nutrition counseling" means advising and assisting~~  
11 ~~individuals or groups on appropriate nutrition intake by~~  
12 ~~integrating information from the nutrition assessment.~~

13 ~~"Nutrition services for individuals and groups" shall~~  
14 ~~include, but is not limited to, all of the following;~~

15 ~~(a) Providing nutrition assessments relative to~~  
16 ~~preventive maintenance or restorative care.~~

17 ~~(b) Providing nutrition education and nutrition~~  
18 ~~counseling as components of preventive maintenance or~~  
19 ~~restorative care.~~

20 ~~(c) Developing and managing systems whose chief~~  
21 ~~function is nutrition care. Nutrition services for~~  
22 ~~individuals and groups does not include medical nutrition~~  
23 ~~therapy as defined in this Act.~~

24 "Practice experience" means a preprofessional, documented,  
25 supervised practice in dietetics or nutrition services that is  
26 acceptable to the Department in compliance with requirements

1 for licensure, as specified in Section ~~Sections~~ 45 and ~~50~~. It  
2 may be or may include a documented, supervised practice  
3 experience which is a component of the educational requirements  
4 for licensure, as specified in Section 45 ~~or 50~~.

5 "Registered dietitian" means an individual registered with  
6 the Commission on Dietetic Registration, the accrediting body  
7 of the Academy of Nutrition and Dietetics, formerly known as  
8 ~~for~~ the American Dietetic Association.

9 "Secretary" means the Secretary of Financial and  
10 Professional Regulation.

11 ~~"Restorative" means the component of nutrition care that~~  
12 ~~deals with oral dietary needs for individuals and groups.~~  
13 ~~Activities shall relate to the metabolism of food and the~~  
14 ~~requirements for nutrients, including dietary supplements for~~  
15 ~~growth, development, maintenance, or attainment of optimal~~  
16 ~~health.~~

17 (Source: P.A. 92-642, eff. 10-31-03.)

18 (225 ILCS 30/15) (from Ch. 111, par. 8401-15)

19 (Section scheduled to be repealed on January 1, 2013)

20 Sec. 15. License required.

21 (a) No person may engage for remuneration in the practice  
22 of dietetics and nutrition services ~~nutrition services~~  
23 ~~practice~~ or hold himself or herself out as a licensed dietitian  
24 nutritionist unless the person is licensed in accordance with  
25 this Act. ~~or meets one or more of the following criteria:~~

1        (b) This Section does not prohibit the practice of  
2 dietetics and nutrition services by the following:

3            (1) ~~A~~ ~~The person is licensed in this State under any~~  
4 ~~other Act that authorizes the person to provide these~~  
5 ~~services.~~ (2) The person that is licensed to practice

6 nutrition under the law of another state, territory of the  
7 United States, or country and has applied in writing to the  
8 Department in form and substance satisfactory to the  
9 Department for a license as a dietitian nutritionist until  
10 (i) the expiration of 6 months after filing the written  
11 application, (ii) the withdrawal of the application, or  
12 (iii) the denial of the application by the Department.

13 ~~(b) No person shall practice dietetics, as defined in this~~  
14 ~~Act, or hold himself or herself out as a licensed dietitian~~  
15 ~~nutritionist unless that person is so licensed under this Act~~  
16 ~~or meets one or more of the following criteria:~~

17            ~~(1) The person is licensed in this State under any~~  
18 ~~other Act that authorizes the person to provide these~~  
19 ~~services.~~

20            ~~(2) The person is a dietary technical support person,~~  
21 ~~working in a hospital setting or a regulated Department of~~  
22 ~~Public Health or Department on Aging facility or program,~~  
23 ~~who has been trained and is supervised while engaged in the~~  
24 ~~practice of dietetics by a licensed dietitian nutritionist~~  
25 ~~in accordance with this Act and whose services are retained~~  
26 ~~by that facility or program on a full time or regular,~~

1 ~~ongoing consultant basis.~~

2 (2) A ~~(3)~~ The person that is licensed to practice  
3 dietetics under the law of another state, territory of the  
4 United States, or country, or is a registered dietitian,  
5 who has applied in writing to the Department in form and  
6 substance satisfactory to the Department for a license as a  
7 dietitian nutritionist until (i) the expiration of 6 months  
8 after the filing the written application, (ii) the  
9 withdrawal of the application, or (iii) the denial of the  
10 application by the Department.

11 ~~(c) No person shall practice dietetics or nutrition~~  
12 ~~services, as defined in this Act, or hold himself or herself~~  
13 ~~out as a licensed dietitian nutritionist, a dietitian, a~~  
14 ~~nutritionist, or a nutrition counselor unless the person is~~  
15 ~~licensed in accordance with this Act.~~

16 (Source: P.A. 92-642, eff. 10-31-03.)

17 (225 ILCS 30/15.5)

18 (Section scheduled to be repealed on January 1, 2013)

19 Sec. 15.5. Unlicensed practice; violation; civil penalty.

20 (a) Any person who practices, offers to practice, attempts  
21 to practice, or holds oneself out as being able to provide  
22 ~~practice~~ dietetics and ~~or~~ nutrition services without being  
23 licensed under this Act shall, in addition to any other penalty  
24 provided by law, pay a civil penalty to the Department in an  
25 amount not to exceed \$10,000 ~~\$5,000~~ for each offense as

1 determined by the Department. The civil penalty shall be  
2 assessed by the Department after a hearing is held in  
3 accordance with the provisions set forth in this Act regarding  
4 the provision of a hearing for the discipline of a licensee.

5 (b) The Department has the authority and power to  
6 investigate any and all unlicensed activity.

7 (c) The civil penalty shall be paid within 60 days after  
8 the effective date of the order imposing the civil penalty. The  
9 order shall constitute a judgment and may be filed and  
10 execution had thereon in the same manner as any judgment from  
11 any court of record.

12 (Source: P.A. 92-642, eff. 10-31-03.)

13 (225 ILCS 30/20) (from Ch. 111, par. 8401-20)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 20. Exemptions. This Act does not prohibit or  
16 restrict:

17 (a) Any person licensed in this State under any other Act  
18 from engaging in the practice for which he or she is licensed.

19 (b) The practice of dietetics and ~~or~~ nutrition services by  
20 a person who is employed by the United States or State  
21 government or any of its bureaus, divisions, or agencies while  
22 in the discharge of the employee's official duties.

23 (c) The practice of dietetics and nutrition services by a  
24 person employed as a cooperative extension home economist, to  
25 the extent the activities are part of his or her employment.

1           (d) The practice of dietetics and nutrition services ~~or~~  
2 ~~dietetics~~ by a person pursuing a course of study leading to a  
3 degree in dietetics, nutrition, or an equivalent major, ~~as~~  
4 ~~authorized by the Department,~~ from a regionally accredited  
5 school or program, if the activities and services constitute a  
6 part of a supervised course of study and if the person is  
7 designated by a title that clearly indicates the person's  
8 status as a student or trainee.

9           (e) The practice of dietetics and nutrition services ~~or~~  
10 ~~dietetics~~ by a person fulfilling the supervised practice  
11 experience component of Section ~~Sections~~ 45 ~~or~~ 50, if the  
12 activities and services constitute a part of the experience  
13 necessary to meet the requirements of Section 45 ~~or~~ 50.

14           (f) A person from providing oral nutrition information as  
15 an operator or employee of a health food store or business that  
16 sells health products, including dietary supplements, food, or  
17 food materials, or disseminating written nutrition information  
18 in connection with the marketing and distribution of those  
19 products.

20           (g) The practice of dietetics and nutrition services by an  
21 educator who is in the employ of a nonprofit organization; ~~as~~  
22 ~~authorized by the Department,~~ a federal, or state, county, or  
23 municipal agency, or other political subdivision; an  
24 elementary or secondary school; or a regionally accredited  
25 institution of higher education, as long as the activities and  
26 services of the educator are part of his or her employment.

1           (h) The practice of dietetics and nutrition services by any  
2 person who provides weight control services, provided the  
3 nutrition program has been reviewed by, consultation is  
4 available from, and no program change can be initiated without  
5 prior approval by an individual licensed under this Act, an  
6 individual licensed to practice dietetics or nutrition  
7 services in another state that has licensure requirements  
8 considered by the Department to be at least as stringent as the  
9 requirements for licensure under this Act, or a registered  
10 dietitian.

11           (i) The practice of dietetics and nutrition services ~~or~~  
12 ~~dietetics~~ by any person with a masters or doctorate degree with  
13 a major in nutrition or equivalent from a regionally accredited  
14 school recognized by the Department for the purpose of  
15 education and research.

16           (j) (Blank). ~~Any person certified in this State and who is~~  
17 ~~employed by a facility or program regulated by the State of~~  
18 ~~Illinois from engaging in the practice for which he or she is~~  
19 ~~certified and authorized by the Department.~~

20           (k) The practice of dietetics and nutrition services by a  
21 graduate of a 2 year associate program or a 4 year  
22 baccalaureate program from a school or program accredited at  
23 the time of graduation by the appropriate accrediting agency  
24 recognized by the Council on Higher Education Accreditation and  
25 the United States Department of Education with a major in human  
26 nutrition, food and nutrition or its equivalent, as authorized

1 by the Department, who is directly supervised by an individual  
2 licensed under this Act.

3 (1) Providing nutrition information as an employee of a  
4 nursing facility operated exclusively by and for those relying  
5 upon spiritual means through prayer alone for healing in  
6 accordance with the tenets and practices of a recognized church  
7 or religious denomination.

8 (m) A dietary technical support person working in a  
9 hospital setting or a regulated Department of Public Health or  
10 Department on Aging facility or program who has been trained  
11 and is supervised while engaged in the practice of dietetics by  
12 a licensed dietitian nutritionist in accordance with this Act  
13 and whose services are retained by that facility or program on  
14 a full-time or regular, ongoing consultant basis.

15 The provisions of this Act shall not be construed to  
16 prohibit or limit any person from the free dissemination of  
17 information, from conducting a class or seminar, or from giving  
18 a speech related to nutrition if that person does not hold  
19 himself or herself out as a licensed dietitian nutritionist  
20 ~~nutrition counselor or licensed dietitian~~ in a manner  
21 prohibited by Section 15.

22 (Source: P.A. 92-642, eff. 10-31-03.)

23 (225 ILCS 30/30) (from Ch. 111, par. 8401-30)

24 (Section scheduled to be repealed on January 1, 2013)

25 Sec. 30. Dietitian Nutritionist Practice Board. The

1 ~~Secretary Director~~ shall appoint a Dietitian Nutritionist  
2 Practice Board as follows: 5 ~~7~~ individuals who shall be  
3 appointed by and shall serve in an advisory capacity to the  
4 ~~Secretary Director~~. Of these 5 ~~7~~ individuals, 4 members must be  
5 licensed under this Act; ~~one member must be a physician~~  
6 ~~licensed to practice medicine in all of its branches; one~~  
7 ~~member must be a licensed professional nurse;~~ and one member  
8 must be a public member not licensed under this Act.

9 Members shall serve 3-year ~~3-year~~ terms and until their  
10 successors are appointed and qualified; ~~except the terms of the~~  
11 ~~initial appointments~~. No member shall be reappointed to the  
12 Board for a term that would cause his or her continuous service  
13 on the Board to be longer than 8 years. Appointments to fill  
14 vacancies shall be made in the same manner as original  
15 appointments, for the unexpired portion of the vacated term.  
16 ~~Initial terms shall begin upon the effective date of this Act~~  
17 ~~and Board members in office on that date shall be appointed to~~  
18 ~~specific terms as indicated in this Section.~~

19 Insofar as possible, the licensed professionals appointed  
20 to serve on the Board shall be generally representative of the  
21 geographical distribution of licensed professionals within ~~The~~  
22 ~~membership of the Board shall reasonably represent all the~~  
23 ~~geographic areas in~~ this State. Any time there is a vacancy on  
24 the Board, any professional association composed of persons  
25 licensed under this Act may recommend licensees to fill the  
26 vacancy to the Board for the appointment of licensees; ~~the~~

1 ~~organization representing the largest number of licensed~~  
2 ~~physicians for the appointment of physicians to the Board, and~~  
3 ~~the organization representing the largest number of licensed~~  
4 ~~professional nurses for the appointment of a nurse to the~~  
5 ~~Board.~~

6 A vacancy in the membership of the Board shall not impair  
7 the right of a quorum to exercise all the rights and perform  
8 all the duties of the Board.

9 Members of the Board shall have no liability in any action  
10 based upon any disciplinary proceeding or other activity  
11 performed in good faith as members of the Board.

12 The Secretary ~~Director~~ shall have the authority to remove  
13 or suspend any member of the Board for cause at any time before  
14 the expiration of his or her term. The Secretary shall be the  
15 sole arbiter of cause ~~from office for neglect of any duty~~  
16 ~~required by law or for incompetency or unprofessional or~~  
17 ~~dishonorable conduct.~~

18 The Secretary ~~Director~~ shall consider the recommendation  
19 of the Board on questions of standards of professional conduct,  
20 discipline, and qualifications of candidates or licensees  
21 under this Act.

22 (Source: P.A. 92-642, eff. 10-31-03.)

23 (225 ILCS 30/45) (from Ch. 111, par. 8401-45)

24 (Section scheduled to be repealed on January 1, 2013)

25 Sec. 45. Dietitian nutritionist; qualifications. A person

1 shall be qualified for licensure as a dietitian nutritionist if  
2 that person meets all of the following requirements:

3 (a) Has applied in writing in form and substance acceptable  
4 to the Department and possesses a baccalaureate degree or post  
5 baccalaureate degree in human nutrition, foods and nutrition,  
6 dietetics, food systems management, nutrition education, or an  
7 equivalent major course of study as recommended by the Board  
8 and approved by the Department from a school or program  
9 accredited at the time of graduation from the appropriate  
10 regional accrediting agency recognized by the Council on Higher  
11 Education Accreditation and the United States Department of  
12 Education.

13 (b) Has successfully completed the examination authorized  
14 by the Department which may be or may include an examination  
15 given by the Commission on Dietetic Registration.

16 The Department shall establish by rule a waiver of the  
17 examination requirement to applicants who, at the time of  
18 application, are acknowledged to be registered dietitians by  
19 the Commission on Dietetic Registration and who are in  
20 compliance with other qualifications as included in the Act.

21 (c) Has completed a dietetic internship or documented,  
22 supervised practice experience in dietetics and nutrition  
23 services of not less than 1,200 ~~900~~ hours under the supervision  
24 of a registered dietitian or a licensed dietitian nutritionist,  
25 a State licensed healthcare practitioner, or an individual with  
26 a doctoral degree conferred by a U.S. regionally accredited

1 college or university with a major course of study in human  
2 nutrition, nutrition education, food and nutrition, dietetics  
3 or food systems management. Supervised practice experience  
4 must be completed in the United States or its territories.  
5 Supervisors who obtained their doctoral degree outside the  
6 United States and its territories must have their degrees  
7 validated as equivalent to the doctoral degree conferred by a  
8 U.S. regionally accredited college or university.

9 (Source: P.A. 92-642, eff. 10-31-03.)

10 (225 ILCS 30/65) (from Ch. 111, par. 8401-65)

11 (Section scheduled to be repealed on January 1, 2013)

12 Sec. 65. Expiration and renewal dates. The expiration date  
13 and renewal period for each license issued under this Act shall  
14 be set by rule.

15 ~~As a condition for renewal of a license that expires on~~  
16 ~~October 31, 2003, a licensed nutrition counselor shall be~~  
17 ~~required to complete and submit to the Department proof of 30~~  
18 ~~hours of continuing education in dietetics or nutrition~~  
19 ~~services during the 24 months preceding the expiration date of~~  
20 ~~the license in accordance with rules established by the~~  
21 ~~Department. A minimum of 24 hours of the required 30 hours of~~  
22 ~~continuing education shall be in medical nutrition therapy,~~  
23 ~~which shall include diet therapy, medical dietetics, clinical~~  
24 ~~nutrition, or the equivalent, as provided by continuing~~  
25 ~~education sponsors approved by the Department. The Department~~

1 ~~may adopt rules to implement this Section.~~

2       As a condition for renewal of a license, the licensee shall  
3 be required to complete ~~30 hours of~~ continuing education in  
4 dietetics or nutrition services ~~during the 24 months preceding~~  
5 ~~the expiration date of the license~~ in accordance with rules  
6 established by the Department. ~~The continuing education shall~~  
7 ~~be in courses approved by the Commission on Dietetic~~  
8 ~~Registration or in courses taken from a sponsor approved by the~~  
9 ~~Department. A sponsor shall be required to file an application,~~  
10 ~~meet the requirements set forth in the rules of the Department,~~  
11 ~~and pay the appropriate fee. The requirements for continuing~~  
12 ~~education may be waived, in whole or in part, in cases of~~  
13 ~~extreme hardship as defined by rule of the Department. The~~  
14 ~~Department shall provide an orderly process for the~~  
15 ~~reinstatement of licenses that have not been renewed due to the~~  
16 ~~failure to meet the continuing education requirements of this~~  
17 ~~Section.~~

18       ~~Any person who has permitted his or her license to expire~~  
19 ~~or who has had his or her license on inactive status may have~~  
20 ~~the license restored by submitting an application to the~~  
21 ~~Department, meeting continuing education requirements, and~~  
22 ~~filing proof acceptable with the Department of fitness to have~~  
23 ~~the license restored, which may include sworn evidence~~  
24 ~~certifying to active practice in another jurisdiction~~  
25 ~~satisfactory to the Department and by paying the required~~  
26 ~~restoration fee.~~

1 ~~If the person has not maintained an active practice in~~  
2 ~~another jurisdiction satisfactory to the Department, the~~  
3 ~~Department shall determine, by an evaluation program~~  
4 ~~established by rule, his or her fitness to resume active status~~  
5 ~~and may require the person to complete a period of evaluated~~  
6 ~~professional experience and may require successful completion~~  
7 ~~of a practical examination.~~

8 ~~Any person, however, whose license expired while (i) in~~  
9 ~~Federal Service on active duty with the Armed Forces of the~~  
10 ~~United States, or called into service or training with the~~  
11 ~~State Militia, or (ii) in training or education under the~~  
12 ~~supervision of the United States preliminary to induction into~~  
13 ~~the military service may have his or her license restored~~  
14 ~~without paying any lapsed renewal fees if within 2 years after~~  
15 ~~honorable termination of the service, training, or education he~~  
16 ~~or she furnishes the Department with satisfactory evidence to~~  
17 ~~the effect that he or she has been so engaged and that the~~  
18 ~~service, training or education has been terminated.~~

19 (Source: P.A. 92-642, eff. 7-11-02.)

20 (225 ILCS 30/70) (from Ch. 111, par. 8401-70)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 70. Inactive status; restoration; military service.

23 (a) Any person who notifies the Department in writing on  
24 forms prescribed by the Department may elect to place his or  
25 her license on an inactive status and shall, subject to rules

1 of the Department, be excused from payment of renewal fees  
2 until he or she notifies the Department in writing of the  
3 desires to resume active status.

4 (b) A licensee who has permitted his or her license to  
5 expire or who has had his or her license on inactive status may  
6 have the license restored by making application to the  
7 Department by filing proof acceptable to the Department of his  
8 or her fitness to have the license restored and by paying the  
9 required fees. Proof of fitness may include sworn evidence  
10 certifying to active lawful practice in another jurisdiction.  
11 If the licensee has not maintained an active practice in  
12 another jurisdiction satisfactory to the Department, then the  
13 Department shall determine, by an evaluation program  
14 established by rule, his or her fitness for restoration of the  
15 license and shall establish procedures and requirements for  
16 restoration.

17 (c) A licensee whose license expired while he or she was  
18 (1) in federal service on active duty with the Armed Forces of  
19 the United States or the State Militia called into service or  
20 training or (2) in training or education under the supervision  
21 of the United States before induction into the military  
22 service, may have the license restored without paying any  
23 lapsed renewal fees if within 2 years after honorable  
24 termination of the service, training, or education he or she  
25 furnishes the Department with satisfactory evidence to the  
26 effect that he or she has been so engaged and that his or her

1 service, training, or education has been so terminated.

2 (d) Any person requesting restoration from inactive status  
3 shall be required to pay the current renewal fee, shall meet  
4 continuing education requirements, and shall be required to  
5 restore his or her license as provided in Section 65 of this  
6 Act.

7 (e) A person licensed under this Act whose license is on  
8 inactive status or in a non-renewed status shall not engage in  
9 the practice of dietetics or nutrition services in the State of  
10 Illinois or use the title or advertise that he or she performs  
11 the services of a licensed dietitian nutritionist.

12 (f) Any person violating this Section shall be considered  
13 to be practicing without a license and will be subject to the  
14 disciplinary provisions of this Act.

15 (Source: P.A. 92-642, eff. 10-31-03.)

16 (225 ILCS 30/80) (from Ch. 111, par. 8401-80)

17 (Section scheduled to be repealed on January 1, 2013)

18 Sec. 80. Use of title; advertising. Only a person who is  
19 issued a license as a dietitian nutritionist under this Act may  
20 use the words "dietitian nutritionist", "dietitian",  
21 "nutritionist", or "nutrition counselor" or the letters  
22 "L.D.N." in connection with his or her name.

23 ~~A person who meets the additional criteria for registration~~  
24 ~~by the Commission on Dietetic Registration for the American~~  
25 ~~Dietetic Association may assume or use the title or designation~~

1 ~~"Registered Dietitian" or "Registered Dietician" or use the~~  
2 ~~letters "R.D." or any words, letters, abbreviations, or~~  
3 ~~insignia indicating that the person is a registered dietitian.~~

4 ~~Any person who meets the additional criteria for~~  
5 ~~certification by the Clinical Nutrition Certification Board of~~  
6 ~~the International and American Associations of Clinical~~  
7 ~~Nutritionists may assume or use the title or designation~~  
8 ~~"Certified Clinical Nutritionist" or use the letters "C.C.N."~~  
9 ~~or any words, letters, abbreviations, or insignia indicating~~  
10 ~~that the person is a certified clinical nutritionist.~~

11 ~~Any person who meets the additional criteria for~~  
12 ~~certification by the Certification Board of Nutrition~~  
13 ~~Specialists may assume or use the title or designation~~  
14 ~~"Certified Nutrition Specialist", or use the letters "C.N.S."~~  
15 ~~or any words, letters, abbreviations, or insignia indicating~~  
16 ~~that the person is a certified nutrition specialist.~~

17 A licensee shall include in every advertisement for  
18 services regulated under this Act his or her title as it  
19 appears on the license or the initials authorized under this  
20 Act. Advertisements shall not include false, fraudulent,  
21 deceptive, or misleading material or guarantees of success.

22 (Source: P.A. 92-642, eff. 10-31-03.)

23 (225 ILCS 30/85) (from Ch. 111, par. 8401-85)

24 (Section scheduled to be repealed on January 1, 2013)

25 Sec. 85. Fees. The Department shall provide by rule for a

1 schedule of fees for the administration and enforcement of this  
2 Act, including, but not limited to, original licensure,  
3 registration, renewal, and restoration. The fees shall be  
4 nonrefundable.

5 All fees, fines, and penalties collected under this Act  
6 shall be deposited into the General Professions Dedicated Fund  
7 and shall be appropriated to the Department for the ordinary  
8 and contingent expenses of the Department in the administration  
9 of this Act.

10 (Source: P.A. 91-454, eff. 1-1-00.)

11 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

12 (Section scheduled to be repealed on January 1, 2013)

13 Sec. 95. Grounds for discipline.

14 (1) The Department may refuse to issue or renew, or may  
15 revoke, suspend, place on probation, reprimand, or take other  
16 disciplinary or non-disciplinary action as the Department may  
17 deem appropriate ~~proper~~, including imposing fines not to exceed  
18 \$10,000 ~~\$1000~~ for each violation, with regard to any license or  
19 certificate for any one or combination of the following causes:

20 (a) Material misstatement in furnishing information to  
21 the Department.

22 (b) Violations of this Act or of its ~~its~~ rules adopted  
23 under this Act.

24 (c) Conviction by plea of guilty or nolo contendere,  
25 finding of guilt, jury verdict, or entry of judgment or by

1 sentencing of any crime, including, but not limited to,  
2 convictions, preceding sentences of supervision,  
3 conditional discharge, or first offender probation, under  
4 the laws of any jurisdiction of the United States (i) that  
5 is a felony or (ii) that is a misdemeanor, an essential  
6 element of which is dishonesty, or that is directly related  
7 to the practice of the profession ~~Conviction of any crime~~  
8 ~~under the laws of the United States or any state or~~  
9 ~~territory thereof that is (i) a felony; (ii) a misdemeanor,~~  
10 ~~an essential element of which is dishonesty; or (iii) a~~  
11 ~~crime that is directly related to the practice of the~~  
12 ~~profession.~~

13 (d) Fraud or Making any misrepresentation in applying  
14 for or procuring a license under this Act or in connection  
15 with applying for renewal of a license under this Act ~~for~~  
16 ~~the purpose of obtaining licensure or violating any~~  
17 ~~provision of this Act.~~

18 (e) Professional incompetence or gross negligence.

19 (f) Malpractice.

20 (g) Aiding or assisting another person in violating any  
21 provision of this Act or its rules.

22 (h) Failing to provide information within 60 days in  
23 response to a written request made by the Department.

24 (i) Engaging in dishonorable, unethical or  
25 unprofessional conduct of a character likely to deceive,  
26 defraud, or harm the public.

1 (j) Habitual or excessive use or abuse of drugs defined  
2 in law as controlled substances, alcohol ~~addiction to~~  
3 ~~alcohol, narcotics, stimulants,~~ or any other substance  
4 that chemical agent or drug that results in the inability  
5 to practice with reasonable judgment, skill, or safety.

6 (k) Discipline by another state, the District of  
7 Columbia, territory, ~~or~~ country, or governmental agency if  
8 at least one of the grounds for the discipline is the same  
9 or substantially equivalent to those set forth in this Act.

10 (l) Charging for professional services not rendered,  
11 including filing false statements for the collection of  
12 fees for which services are not rendered ~~Directly or~~  
13 ~~indirectly giving to or receiving from any person, firm,~~  
14 ~~corporation, partnership, or association any fee,~~  
15 ~~commission, rebate, or other form of compensation for any~~  
16 ~~professional services not actually or personally rendered.~~

17 Nothing in this paragraph (1) affects any bona fide  
18 independent contractor or employment arrangements among  
19 health care professionals, health facilities, health care  
20 providers, or other entities, except as otherwise  
21 prohibited by law. Any employment arrangements may include  
22 provisions for compensation, health insurance, pension, or  
23 other employment benefits for the provision of services  
24 within the scope of the licensee's practice under this Act.  
25 Nothing in this paragraph (1) shall be construed to require  
26 an employment arrangement to receive professional fees for

1 services rendered.

2 (m) A finding by the Department that the licensee,  
3 after having his or her license placed on probationary  
4 status, has violated the terms of probation.

5 (n) Willfully making or filing false records or reports  
6 in his or her practice, including, but not limited to,  
7 false records filed with State agencies or departments  
8 ~~Conviction by any court of competent jurisdiction, either~~  
9 ~~within or outside this State, of any violation of any law~~  
10 ~~governing the practice of dietetics or nutrition~~  
11 ~~counseling, if the Department determines, after~~  
12 ~~investigation, that the person has not been sufficiently~~  
13 ~~rehabilitated to warrant the public trust.~~

14 (o) Allowing one's license under this Act to be used by  
15 an unlicensed person in violation of this Act ~~A finding~~  
16 ~~that licensure has been applied for or obtained by~~  
17 ~~fraudulent means.~~

18 (p) Practicing under a false or, except as provided by  
19 law, an assumed name ~~or attempting to practice under a name~~  
20 ~~other than the full name as shown on the license or any~~  
21 ~~other legally authorized name.~~

22 (q) Gross and willful overcharging for professional  
23 services ~~including filing statements for collection of~~  
24 ~~fees or monies for which services are not rendered.~~

25 (r) (Blank). ~~Failure to (i) file a return, (ii) pay the~~  
26 ~~tax, penalty or interest shown in a filed return, or (iii)~~

1 ~~pay any final assessment of tax, penalty or interest, as~~  
2 ~~required by any tax Act administered by the Illinois~~  
3 ~~Department of Revenue, until the requirements of any such~~  
4 ~~tax Act are satisfied.~~

5 (s) Willfully failing to report an instance of  
6 suspected child abuse or neglect as required by the Abused  
7 and Neglected Child Reporting Act.

8 (t) Cheating on or attempting to subvert the licensing  
9 examination administered under this Act.

10 (u) Mental illness or disability that results in the  
11 inability to practice under this Act with reasonable  
12 judgment, skill, or safety.

13 (v) Physical illness, including, but not limited to,  
14 deterioration through the aging process or loss of motor  
15 skill that results in a licensee's inability to practice  
16 under this Act with reasonable judgment, skill, or safety.

17 (2) The Department may refuse to issue or may suspend  
18 without hearing, as provided for in the Code of Civil  
19 Procedure, the license of any person who fails to file a  
20 return, or pay the tax, penalty, or interest shown in a filed  
21 return, or pay any final assessment of the tax, penalty, or  
22 interest as required by any tax Act administered by the  
23 Illinois Department of Revenue, until such time as the  
24 requirements of any such tax Act are satisfied in accordance  
25 with subsection (g) of Section 2105-15 of the Civil  
26 Administrative Code of Illinois.

1       (3) The Department shall deny a license or renewal  
2 authorized by this Act to a person who has defaulted on an  
3 educational loan or scholarship provided or guaranteed by the  
4 Illinois Student Assistance Commission or any governmental  
5 agency of this State in accordance with item (5) of subsection  
6 (a) of Section 2105-15 of the Civil Administrative Code of  
7 Illinois.

8       (4) In cases where the Department of Healthcare and Family  
9 Services has previously determined a licensee or a potential  
10 licensee is more than 30 days delinquent in the payment of  
11 child support and has subsequently certified the delinquency to  
12 the Department, the Department may refuse to issue or renew or  
13 may revoke or suspend that person's license or may take other  
14 disciplinary action against that person based solely upon the  
15 certification of delinquency made by the Department of  
16 Healthcare and Family Services in accordance with item (5) of  
17 subsection (a) of Section 1205-15 of the Civil Administrative  
18 Code of Illinois.

19       (5) The determination by a circuit court that a licensee is  
20 subject to involuntary admission or judicial admission, as  
21 provided in the Mental Health and Developmental Disabilities  
22 Code, operates as an automatic suspension. The suspension shall  
23 end only upon a finding by a court that the patient is no  
24 longer subject to involuntary admission or judicial admission  
25 and the issuance of an order so finding and discharging the  
26 patient.

1       (6) In enforcing this Act, the Department, upon a showing  
2 of a possible violation, may compel an individual licensed to  
3 practice under this Act, or who has applied for licensure under  
4 this Act, to submit to a mental or physical examination, or  
5 both, as required by and at the expense of the Department. The  
6 Department may order the examining physician to present  
7 testimony concerning the mental or physical examination of the  
8 licensee or applicant. No information shall be excluded by  
9 reason of any common law or statutory privilege relating to  
10 communications between the licensee or applicant and the  
11 examining physician. The examining physicians shall be  
12 specifically designated by the Department. The individual to be  
13 examined may have, at his or her own expense, another physician  
14 of his or her choice present during all aspects of this  
15 examination. The examination shall be performed by a physician  
16 licensed to practice medicine in all its branches. Failure of  
17 an individual to submit to a mental or physical examination,  
18 when directed, shall result in an automatic suspension without  
19 hearing.

20       A person holding a license under this Act or who has  
21 applied for a license under this Act who, because of a physical  
22 or mental illness or disability, including, but not limited to,  
23 deterioration through the aging process or loss of motor skill,  
24 is unable to practice the profession with reasonable judgment,  
25 skill, or safety, may be required by the Department to submit  
26 to care, counseling, or treatment by physicians approved or

1 designated by the Department as a condition, term, or  
2 restriction for continued, reinstated, or renewed licensure to  
3 practice. Submission to care, counseling, or treatment as  
4 required by the Department shall not be considered discipline  
5 of a license. If the licensee refuses to enter into a care,  
6 counseling, or treatment agreement or fails to abide by the  
7 terms of the agreement, then the Department may file a  
8 complaint to revoke, suspend, or otherwise discipline the  
9 license of the individual. The Secretary may order the license  
10 suspended immediately, pending a hearing by the Department.  
11 Fines shall not be assessed in disciplinary actions involving  
12 physical or mental illness or impairment.

13 In instances in which the Secretary immediately suspends a  
14 person's license under this Section, a hearing on that person's  
15 license must be convened by the Department within 15 days after  
16 the suspension and completed without appreciable delay. The  
17 Department shall have the authority to review the subject  
18 individual's record of treatment and counseling regarding the  
19 impairment to the extent permitted by applicable federal  
20 statutes and regulations safeguarding the confidentiality of  
21 medical records.

22 An individual licensed under this Act and affected under  
23 this Section shall be afforded an opportunity to demonstrate to  
24 the Department that he or she can resume practice in compliance  
25 with acceptable and prevailing standards under the provisions  
26 of his or her license.

1       ~~(2) In enforcing this Section, the Board, upon a showing of~~  
2       ~~a possible violation, may compel a licensee or applicant to~~  
3       ~~submit to a mental or physical examination, or both, as~~  
4       ~~required by and at the expense of the Department. The examining~~  
5       ~~physician shall be specifically designated by the Board. The~~  
6       ~~Board or the Department may order the examining physician to~~  
7       ~~present testimony concerning the mental or physical~~  
8       ~~examination of a licensee or applicant. No information may be~~  
9       ~~excluded by reason of any common law or statutory privilege~~  
10       ~~relating to communications between a licensee or applicant and~~  
11       ~~the examining physician. An individual to be examined may have,~~  
12       ~~at his or her own expense, another physician of his or her~~  
13       ~~choice present during all aspects of the examination. Failure~~  
14       ~~of an individual to submit to a mental or physical examination,~~  
15       ~~when directed, is grounds for suspension of his or her license.~~  
16       ~~The license must remain suspended until the time that the~~  
17       ~~individual submits to the examination or the Board finds, after~~  
18       ~~notice and a hearing, that the refusal to submit to the~~  
19       ~~examination was with reasonable cause. If the Board finds that~~  
20       ~~an individual is unable to practice because of the reasons set~~  
21       ~~forth in this Section, the Board must require the individual to~~  
22       ~~submit to care, counseling, or treatment by a physician~~  
23       ~~approved by the Board, as a condition, term, or restriction for~~  
24       ~~continued, reinstated, or renewed licensure to practice. In~~  
25       ~~lieu of care, counseling, or treatment, the Board may recommend~~  
26       ~~that the Department file a complaint to immediately suspend or~~

1 ~~revoke the license of the individual or otherwise discipline~~  
2 ~~him or her. Any individual whose license was granted,~~  
3 ~~continued, reinstated, or renewed subject to conditions,~~  
4 ~~terms, or restrictions, as provided for in this Section, or any~~  
5 ~~individual who was disciplined or placed on supervision~~  
6 ~~pursuant to this Section must be referred to the Director for a~~  
7 ~~determination as to whether the individual shall have his or~~  
8 ~~her license suspended immediately, pending a hearing by the~~  
9 ~~Board.~~

10 ~~The Department shall deny any license or renewal under this~~  
11 ~~Act to any person who has defaulted on an educational loan~~  
12 ~~guaranteed by the Illinois Student Assistance Commission;~~  
13 ~~however, the Department may issue a license or renewal if the~~  
14 ~~person in default has established a satisfactory repayment~~  
15 ~~record as determined by the Illinois Student Assistance~~  
16 ~~Commission.~~

17 ~~The determination by a circuit court that a registrant is~~  
18 ~~subject to involuntary admission or judicial admission as~~  
19 ~~provided in the Mental Health and Developmental Disabilities~~  
20 ~~Code operates as an automatic suspension. This suspension will~~  
21 ~~end only upon a finding by a court that the patient is no~~  
22 ~~longer subject to involuntary admission or judicial admission,~~  
23 ~~the issuance of an order so finding and discharging the~~  
24 ~~patient, and the recommendation of the Board to the Director~~  
25 ~~that the registrant be allowed to resume practice.~~

26 (Source: P.A. 96-1482, eff. 11-29-10.)

1 (225 ILCS 30/97) (from Ch. 111, par. 8401-97)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 97. Payments; penalty for insufficient funds. Any  
4 person who delivers a check or other payment to the Department  
5 that is returned to the Department unpaid by the financial  
6 institution upon which it is drawn shall pay to the Department,  
7 in addition to the amount already owed to the Department, a  
8 fine of \$50. The fines imposed by this Section are in addition  
9 to any other discipline provided under this Act for unlicensed  
10 practice or practice on a nonrenewed license. The Department  
11 shall notify the person that payment of fees and fines shall be  
12 paid to the Department by certified check or money order within  
13 30 calendar days of the notification. If, after the expiration  
14 of 30 days from the date of the notification, the person has  
15 failed to submit the necessary remittance, the Department shall  
16 automatically terminate the license or certificate or deny the  
17 application, without hearing. If, after termination or denial,  
18 the person seeks a license or certificate, he or she shall  
19 apply to the Department for restoration or issuance of the  
20 license or certificate and pay all fees and fines due to the  
21 Department. The Department may establish a fee for the  
22 processing of an application for restoration of a license or  
23 certificate to pay all expenses of processing this application.  
24 The Secretary ~~Director~~ may waive the fines due under this  
25 Section in individual cases where the Secretary ~~Director~~ finds

1 that the fines would be unreasonable or unnecessarily  
2 burdensome.

3 (Source: P.A. 92-146, eff. 1-1-02.)

4 (225 ILCS 30/100) (from Ch. 111, par. 8401-100)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 100. Injunctions; cease and desist orders.

7 (a) If any person violates a provision of this Act, the  
8 Secretary ~~Director~~ may, in the name of the People of the State  
9 of Illinois through the Attorney General of the State of  
10 Illinois or the State's Attorney of the county in which the  
11 violation is alleged to have occurred, petition for an order  
12 enjoining the violation or for an order enforcing compliance  
13 with this Act. Upon the filing of a verified petition, the  
14 court may issue a temporary restraining order, without notice  
15 or bond, and may preliminarily and permanently enjoin the  
16 violation. If it is established that the person has violated or  
17 is violating the injunction, the Court may punish the offender  
18 for contempt of court. Proceedings under this Section shall be  
19 in addition to, and not in lieu of, all other remedies and  
20 penalties provided by this Act.

21 (b) If any person practices as a dietitian nutritionist  
22 ~~dietitian or nutrition counselor~~ or holds himself or herself  
23 out as such without having a valid license under this Act, then  
24 any licensee, any interested party, or any person injured  
25 thereby may, in addition to the Secretary ~~Director~~, petition

1 for relief as provided in subsection (a) of this Section.

2 (c) Whenever in the opinion of the Department any person  
3 violates any provision of this Act, the Department may issue a  
4 rule to show cause why an order to cease and desist should be  
5 entered against him or her. The rule shall clearly set forth  
6 the grounds relied upon the Department and shall provide a  
7 period of 7 days from the date of the rule to file an answer to  
8 the satisfaction of the Department. Failure to answer to the  
9 satisfaction of the Department shall cause in order to cease  
10 and desist to be issued immediately.

11 (Source: P.A. 87-784.)

12 (225 ILCS 30/105) (from Ch. 111, par. 8401-105)

13 (Section scheduled to be repealed on January 1, 2013)

14 Sec. 105. Investigation; notice and hearing. The  
15 Department may investigate the actions or qualifications of any  
16 applicant or of any person or persons holding or claiming to  
17 hold a license or certificate of registration. The Department  
18 shall, before refusing to issue or renew a license or to  
19 discipline a licensee under Section 95 ~~before suspending,~~  
20 ~~revoking, placing on probationary status, or taking any other~~  
21 ~~disciplinary action as the Department may deem proper with~~  
22 ~~regard to any license or certificate of registration,~~ at least  
23 30 days before the date set for the hearing, (i) notify the  
24 accused in writing of any charges made and the time and place  
25 for a hearing of the charges before the Board, (ii) direct him

1 or her to file his or her written answer to the charges with  
2 the Board under oath within 20 days after the service ~~on him or~~  
3 ~~her~~ of ~~the such~~ notice, and (iii) inform the applicant or  
4 licensee ~~him or her~~ that failure ~~if he or she fails~~ to file an  
5 answer shall result in, default being ~~will be~~ taken against the  
6 applicant or licensee. At the time and place fixed in the  
7 notice, the Department shall proceed to hear the charges and  
8 the parties or their counsel shall be accorded ample  
9 opportunity to present any pertinent statements, testimony,  
10 evidence, and arguments. The Department may continue the  
11 hearing from time to time. In case the person, after receiving  
12 the notice, fails to file an answer, his or her license, may,  
13 in the discretion of the Department, be revoked, suspended, or  
14 placed on probationary status or the Department may take  
15 whatever disciplinary action considered proper, including  
16 limiting the scope, nature, or extent of the person's practice  
17 or the imposition of a fine, without a hearing, if the act or  
18 acts charged constitute sufficient grounds for that action  
19 under the Act. The written notice and any notice in the  
20 subsequent proceeding may be served by registered or certified  
21 mail to the licensee's address of record. ~~him or her and his or~~  
22 ~~her license or certificate of registration may be suspended,~~  
23 ~~revoked, placed on probationary status, or other disciplinary~~  
24 ~~action may be taken with regard to the license or certificate,~~  
25 ~~including limiting the scope, nature or extent of his or her~~  
26 ~~practice, as the Department may deem proper. In case the~~

1 ~~person, after receiving notice, fails to file an answer, his or~~  
2 ~~her license or certificate may, in the discretion of the~~  
3 ~~Department, be suspended, revoked, or placed on probationary~~  
4 ~~status, or the Department may take whatever disciplinary action~~  
5 ~~deemed proper, including limiting the scope, nature, or extent~~  
6 ~~of the person's practice or the imposition of a fine, without a~~  
7 ~~hearing, if the act or acts charged constitute sufficient~~  
8 ~~grounds for such action under this Act.~~

9 ~~This written notice and any notice in the subsequent~~  
10 ~~proceedings may be served by personal delivery to the accused~~  
11 ~~person, or by registered or certified mail to the address last~~  
12 ~~specified by the accused in his or her last notification to the~~  
13 ~~Department. The written answer shall be served by personal~~  
14 ~~delivery, certified delivery, or certified or registered mail~~  
15 ~~to the Department. At the time and place fixed in the notice,~~  
16 ~~the Department shall proceed to hear the charges and the~~  
17 ~~parties or their counsel shall be accorded ample opportunity to~~  
18 ~~present such statements, testimony, evidence, and argument as~~  
19 ~~may be pertinent to the charges or to the defense thereto. The~~  
20 ~~Department may continue such hearing from time to time. At the~~  
21 ~~discretion of the Director after having first received the~~  
22 ~~recommendation of the Board, the accused person's certificate~~  
23 ~~of registration may be suspended or revoked, if the evidence~~  
24 ~~constitutes sufficient grounds for such action under this Act.~~

25 (Source: P.A. 87-784; 87-1000; 87-1031; 88-45.)

1 (225 ILCS 30/108 new)

2 Sec. 108. Confidentiality. All information collected by  
3 the Department in the course of an examination or investigation  
4 of a licensee or applicant, including, but not limited to, any  
5 complaint against a licensee filed with the Department and  
6 information collected to investigate any such complaint, shall  
7 be maintained for the confidential use of the Department and  
8 shall not be disclosed. The Department may not disclose the  
9 information to anyone other than law enforcement officials,  
10 other regulatory agencies that have an appropriate regulatory  
11 interest as determined by the Secretary, or a party presenting  
12 a lawful subpoena to the Department. Information and documents  
13 disclosed to a federal, State, county, or local law enforcement  
14 agency shall not be disclosed by the agency for any purpose to  
15 any other agency or person. A formal complaint filed against a  
16 licensee by the Department or any order issued by the  
17 Department against a licensee or applicant shall be a public  
18 record, except as otherwise prohibited by law.

19 (225 ILCS 30/110) (from Ch. 111, par. 8401-110)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 110. Record of hearing. The Department, at its  
22 expense, shall preserve a record of all proceedings at the  
23 formal hearing of any case. The notice of hearing, complaint,  
24 and other documents in the nature of pleadings and written  
25 motions filed in the proceedings, the transcript of testimony,

1 the report of the Board, and orders of the Department shall be  
2 in the record of the proceedings. ~~The Department shall furnish~~  
3 ~~a transcript of the record to any person interested in the~~  
4 ~~hearing upon payment of the fee required under Section 2105-115~~  
5 ~~of the Department of Professional Regulation Law (20 ILCS~~  
6 ~~2105/2105-115).~~

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 (225 ILCS 30/115) (from Ch. 111, par. 8401-115)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 115. Subpoenas; oaths; attendance of witnesses.

11 (a) The Department may ~~shall have the power to~~ subpoena and  
12 ~~to~~ bring before it any person ~~and~~ to take the oral or written  
13 testimony or compel the production of any books, papers,  
14 records, or any other documents that the Secretary or his or  
15 her designee deems relevant or material to any investigation or  
16 hearing conducted by the Department either orally or by  
17 deposition, or both, with the same fees and mileage and in the  
18 same manner as prescribed in civil cases in the courts of this  
19 State.

20 (b) The Secretary Director, the ~~designated~~ hearing  
21 officer, any and every member of the Board, or a certified  
22 shorthand court reporter may ~~shall have power to~~ administer  
23 oaths ~~to witnesses~~ at any hearing that the Department conducts  
24 ~~is authorized to conduct and any other oaths authorized in any~~  
25 ~~Act administered by the Department.~~ Notwithstanding any other

1 statute or Department rule to the contrary, all requests for  
2 testimony, production of documents, or records shall be in  
3 accordance with this Act.

4 (c) Any circuit court ~~may,~~ upon application of the  
5 Department or ~~designee or of the applicant, licensee, or person~~  
6 ~~holding a license against whom proceedings under this Act are~~  
7 ~~pending,~~ may ~~enter an~~ order ~~requiring~~ the attendance and  
8 testimony of witnesses ~~and their testimony,~~ and the production  
9 of relevant documents, papers, files, books and records in  
10 connection with any hearing or investigations. The court may  
11 compel obedience to its order by proceedings for contempt.

12 (Source: P.A. 87-784; 87-1000.)

13 (225 ILCS 30/120) (from Ch. 111, par. 8401-120)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 120. Board report. At the conclusion of the hearing,  
16 the Board shall present to the Secretary ~~Director~~ a written  
17 report of its findings of fact, conclusions of law, and  
18 recommendations. The report shall contain a finding whether or  
19 not the accused person violated this Act or failed to comply  
20 with the conditions required in this Act. The Board shall  
21 specify the nature of the violation or failure to comply and  
22 shall make its recommendations to the Secretary ~~Director~~.

23 The report of findings of fact, conclusions of law and  
24 recommendation of the Board shall be the basis for the  
25 Department's order for refusing to issue, restore, or renew a

1 ~~license or otherwise disciplining a licensee refusal or for the~~  
2 ~~granting of a license.~~ If the Secretary Director disagrees in  
3 any regard with the report of the Board, the Secretary Director  
4 may issue an order in contravention of the report. ~~The Director~~  
5 ~~shall provide a written report to the Board on any deviation~~  
6 ~~and shall specify with particularity the reasons for that~~  
7 ~~action in the final order.~~ The finding is not admissible in  
8 evidence against the person in a criminal prosecution brought  
9 for the violation of this Act, but the hearing and finding is  
10 not a bar to a criminal prosecution brought for the violation  
11 of this Act.

12 (Source: P.A. 87-784.)

13 (225 ILCS 30/125) (from Ch. 111, par. 8401-125)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 125. Motion for rehearing. In any hearing involving  
16 the refusal to issue or renew or the discipline of a licensee,  
17 a copy of the Board's report shall be served upon the  
18 respondent by the Department, either personally or as provided  
19 in this Act for the service of the notice of hearing. Within 20  
20 calendar days after the service, the respondent may present to  
21 the Department a motion in writing for a rehearing which shall  
22 specify the particular grounds for rehearing. If no motion for  
23 rehearing is filed, then upon the expiration of the time  
24 specified for filing a motion, or if motion for rehearing is  
25 denied, then upon denial, the Secretary Director may enter an

1 order in accordance with recommendations of the Board, except  
2 as provided for in Section 120. If the respondent orders a  
3 transcript of the record from the reporting service and pays  
4 for it within the time for filing a motion for rehearing, the  
5 20 calendar day period within which a motion for rehearing may  
6 be filed shall commence upon the delivery of the transcript to  
7 the respondent.

8 (Source: P.A. 87-784; 87-1000.)

9 (225 ILCS 30/130) (from Ch. 111, par. 8401-130)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 130. Order for rehearing ~~Rehearing~~. Whenever the  
12 Secretary ~~Director~~ is not satisfied that substantial justice  
13 has been done in the revocation, suspension, or refusal to  
14 issue or renew a license the Secretary ~~Director~~ may order a  
15 rehearing by the same or other hearing officers ~~examiners~~.

16 (Source: P.A. 87-784.)

17 (225 ILCS 30/135) (from Ch. 111, par. 8401-135)

18 (Section scheduled to be repealed on January 1, 2013)

19 Sec. 135. Hearing officer. The Secretary ~~Director~~ shall  
20 have the authority to appoint any attorney duly licensed to  
21 practice law in the State of Illinois to serve as the hearing  
22 officer in any action for refusal to issue or renew a license  
23 or to discipline a licensee or person holding a license. The  
24 hearing officer shall have full authority to conduct the

1 hearing. The hearing officer shall report his or her findings  
2 and recommendations to the Board and the Secretary ~~Director~~.  
3 The Board shall have 60 calendar days from receipt of the  
4 report to review the report of the hearing officer and present  
5 its findings of fact, conclusions of law, and recommendations  
6 to the Secretary ~~Director~~. If the Board fails to present its  
7 report within the 60 calendar day period, the Secretary  
8 ~~Director~~ may issue an order based on the report of the hearing  
9 officer. If the Secretary ~~Director~~ disagrees with the  
10 recommendation of the Board or of the hearing officer, the  
11 Secretary ~~Director~~ may issue an order in contravention of the  
12 recommendation.

13 (Source: P.A. 87-784; 87-1000.)

14 (225 ILCS 30/140) (from Ch. 111, par. 8401-140)

15 (Section scheduled to be repealed on January 1, 2013)

16 Sec. 140. Order; certified copy. An order or a certified  
17 copy of an order, over the seal of the Department and  
18 purporting to be signed by the Secretary ~~Director~~, shall be  
19 prima facie proof:

20 (a) that the signature is the genuine signature of the  
21 Secretary ~~Director~~; and

22 (b) that the Secretary ~~Director~~ is duly appointed and  
23 qualified. ~~;~~ and

24 ~~(c) that the Board and the Board members are qualified.~~

25 (Source: P.A. 87-784.)

1 (225 ILCS 30/145) (from Ch. 111, par. 8401-145)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 145. Restoration of license from discipline. At any  
4 time after the successful completion of a term of indefinite  
5 probation, suspension, or revocation of a license, the  
6 Department may restore the license to the licensee, unless,  
7 after an investigation and a hearing, the Secretary determines  
8 that restoration is not in the public interest or that the  
9 licensee has not been sufficiently rehabilitated to warrant the  
10 public trust. No person or entity whose license, certificate,  
11 or authority has been revoked as authorized in this Act may  
12 apply for restoration of that license, certification, or  
13 authority until such time as provided for in the Civil  
14 Administrative Code of Illinois. ~~suspension or revocation of~~  
15 ~~any license, the Department may restore the license to the~~  
16 ~~accused person upon the written recommendation of the Board,~~  
17 ~~unless after an investigation and a hearing the Board~~  
18 ~~determines that restoration is not in the public interest.~~

19 (Source: P.A. 87-784.)

20 (225 ILCS 30/155) (from Ch. 111, par. 8401-155)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 155. Summary suspension. The Secretary ~~Director~~ may  
23 summarily suspend the license of a licensee ~~dietitian or~~  
24 ~~nutrition counselor~~ without a hearing, simultaneously with the

1 institution of proceedings for a hearing provided for in  
2 Section 105 of this Act, if the Secretary ~~Director~~ finds that  
3 the evidence ~~in his or her possession~~ indicates that a  
4 licensee's continuation in practice would constitute an  
5 imminent danger to the public. In the event that the Secretary  
6 ~~Director~~ summarily suspends the license ~~of a dietitian or~~  
7 ~~nutrition counselor~~ without a hearing, a hearing shall ~~by the~~  
8 ~~Board must~~ be commenced ~~held~~ within 30 ~~calendar~~ days after the  
9 suspension has occurred and shall be concluded as expeditiously  
10 as possible.

11 (Source: P.A. 87-784; 87-1000.)

12 (225 ILCS 30/165) (from Ch. 111, par. 8401-165)

13 (Section scheduled to be repealed on January 1, 2013)

14 Sec. 165. Certification of record; receipt. The Department  
15 shall not be required to certify any record to the Court or  
16 file any answer in court or otherwise appear in any court in a  
17 judicial review proceeding, unless and until the Department has  
18 received from the plaintiff ~~there is filed in the court, with~~  
19 ~~the complaint, a receipt from the Department acknowledging~~  
20 payment of the costs of furnishing and certifying the record,  
21 which costs shall be determined by the Department. Exhibits  
22 shall be certified without cost. Failure on the part of the  
23 plaintiff to file a receipt in Court is ~~shall be~~ grounds for  
24 dismissal of the action.

25 (Source: P.A. 87-784.)

1 (225 ILCS 30/175) (from Ch. 111, par. 8401-175)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 175. Illinois Administrative Procedure Act. The  
4 Illinois Administrative Procedure Act is expressly adopted and  
5 incorporated as if all of the provisions of that Act were  
6 included in this Act, except that the provision of paragraph  
7 (d) of Section 10-65 of the Illinois Administrative Procedure  
8 Act, which provides that at hearings the licensee or person  
9 holding a license has the right to show compliance with all  
10 lawful requirements for retention or continuation of the  
11 license, is specifically excluded. For the purpose of this Act,  
12 the notice required under Section 10-25 of the Illinois  
13 Administrative Procedure Act is deemed sufficient when mailed  
14 to the last known address of record of a party.

15 (Source: P.A. 87-784; 88-670, eff. 12-2-94.)

16 (225 ILCS 30/180) (from Ch. 111, par. 8401-180)

17 (Section scheduled to be repealed on January 1, 2013)

18 Sec. 180. Home rule. The regulation and licensing of  
19 dietitian nutritionists ~~dietitians and nutrition counselors~~  
20 are exclusive functions of the State. A home rule unit may not  
21 regulate or license dietitian nutritionists ~~dietitians or~~  
22 ~~nutrition counselors~~. This Section is a limitation and denial  
23 of home rule powers under paragraph (h) of Section 6 of Article  
24 VII of the Illinois Constitution.

1 (Source: P.A. 87-784.)

2 (225 ILCS 30/56 rep.)

3 (225 ILCS 30/87 rep.)

4 Section 6. The Dietetic and Nutrition Services Practice Act  
5 is amended by repealing Sections 56 and 87.

6 Section 8. The Elder Abuse and Neglect Act is amended by  
7 changing Section 2 as follows:

8 (320 ILCS 20/2) (from Ch. 23, par. 6602)

9 Sec. 2. Definitions. As used in this Act, unless the  
10 context requires otherwise:

11 (a) "Abuse" means causing any physical, mental or sexual  
12 injury to an eligible adult, including exploitation of such  
13 adult's financial resources.

14 Nothing in this Act shall be construed to mean that an  
15 eligible adult is a victim of abuse, neglect, or self-neglect  
16 for the sole reason that he or she is being furnished with or  
17 relies upon treatment by spiritual means through prayer alone,  
18 in accordance with the tenets and practices of a recognized  
19 church or religious denomination.

20 Nothing in this Act shall be construed to mean that an  
21 eligible adult is a victim of abuse because of health care  
22 services provided or not provided by licensed health care  
23 professionals.

1 (a-5) "Abuser" means a person who abuses, neglects, or  
2 financially exploits an eligible adult.

3 (a-7) "Caregiver" means a person who either as a result of  
4 a family relationship, voluntarily, or in exchange for  
5 compensation has assumed responsibility for all or a portion of  
6 the care of an eligible adult who needs assistance with  
7 activities of daily living.

8 (b) "Department" means the Department on Aging of the State  
9 of Illinois.

10 (c) "Director" means the Director of the Department.

11 (d) "Domestic living situation" means a residence where the  
12 eligible adult at the time of the report lives alone or with  
13 his or her family or a caregiver, or others, or a board and  
14 care home or other community-based unlicensed facility, but is  
15 not:

16 (1) A licensed facility as defined in Section 1-113 of  
17 the Nursing Home Care Act;

18 (1.5) A facility licensed under the ID/DD Community  
19 Care Act;

20 (1.7) A facility licensed under the Specialized Mental  
21 Health Rehabilitation Act;

22 (2) A "life care facility" as defined in the Life Care  
23 Facilities Act;

24 (3) A home, institution, or other place operated by the  
25 federal government or agency thereof or by the State of  
26 Illinois;

1           (4) A hospital, sanitarium, or other institution, the  
2           principal activity or business of which is the diagnosis,  
3           care, and treatment of human illness through the  
4           maintenance and operation of organized facilities  
5           therefor, which is required to be licensed under the  
6           Hospital Licensing Act;

7           (5) A "community living facility" as defined in the  
8           Community Living Facilities Licensing Act;

9           (6) (Blank);

10          (7) A "community-integrated living arrangement" as  
11          defined in the Community-Integrated Living Arrangements  
12          Licensure and Certification Act;

13          (8) An assisted living or shared housing establishment  
14          as defined in the Assisted Living and Shared Housing Act;  
15          or

16          (9) A supportive living facility as described in  
17          Section 5-5.01a of the Illinois Public Aid Code.

18          (e) "Eligible adult" means a person 60 years of age or  
19          older who resides in a domestic living situation and is, or is  
20          alleged to be, abused, neglected, or financially exploited by  
21          another individual or who neglects himself or herself.

22          (f) "Emergency" means a situation in which an eligible  
23          adult is living in conditions presenting a risk of death or  
24          physical, mental or sexual injury and the provider agency has  
25          reason to believe the eligible adult is unable to consent to  
26          services which would alleviate that risk.

1 (f-5) "Mandated reporter" means any of the following  
2 persons while engaged in carrying out their professional  
3 duties:

4 (1) a professional or professional's delegate while  
5 engaged in: (i) social services, (ii) law enforcement,  
6 (iii) education, (iv) the care of an eligible adult or  
7 eligible adults, or (v) any of the occupations required to  
8 be licensed under the Clinical Psychologist Licensing Act,  
9 the Clinical Social Work and Social Work Practice Act, the  
10 Illinois Dental Practice Act, the Dietitian Nutritionist  
11 ~~Dietetic and Nutrition Services~~ Practice Act, the Marriage  
12 and Family Therapy Licensing Act, the Medical Practice Act  
13 of 1987, the Naprapathic Practice Act, the Nurse Practice  
14 Act, the Nursing Home Administrators Licensing and  
15 Disciplinary Act, the Illinois Occupational Therapy  
16 Practice Act, the Illinois Optometric Practice Act of 1987,  
17 the Pharmacy Practice Act, the Illinois Physical Therapy  
18 Act, the Physician Assistant Practice Act of 1987, the  
19 Podiatric Medical Practice Act of 1987, the Respiratory  
20 Care Practice Act, the Professional Counselor and Clinical  
21 Professional Counselor Licensing Act, the Illinois  
22 Speech-Language Pathology and Audiology Practice Act, the  
23 Veterinary Medicine and Surgery Practice Act of 2004, and  
24 the Illinois Public Accounting Act;

25 (2) an employee of a vocational rehabilitation  
26 facility prescribed or supervised by the Department of

1 Human Services;

2 (3) an administrator, employee, or person providing  
3 services in or through an unlicensed community based  
4 facility;

5 (4) any religious practitioner who provides treatment  
6 by prayer or spiritual means alone in accordance with the  
7 tenets and practices of a recognized church or religious  
8 denomination, except as to information received in any  
9 confession or sacred communication enjoined by the  
10 discipline of the religious denomination to be held  
11 confidential;

12 (5) field personnel of the Department of Healthcare and  
13 Family Services, Department of Public Health, and  
14 Department of Human Services, and any county or municipal  
15 health department;

16 (6) personnel of the Department of Human Services, the  
17 Guardianship and Advocacy Commission, the State Fire  
18 Marshal, local fire departments, the Department on Aging  
19 and its subsidiary Area Agencies on Aging and provider  
20 agencies, and the Office of State Long Term Care Ombudsman;

21 (7) any employee of the State of Illinois not otherwise  
22 specified herein who is involved in providing services to  
23 eligible adults, including professionals providing medical  
24 or rehabilitation services and all other persons having  
25 direct contact with eligible adults;

26 (8) a person who performs the duties of a coroner or

1 medical examiner; or

2 (9) a person who performs the duties of a paramedic or  
3 an emergency medical technician.

4 (g) "Neglect" means another individual's failure to  
5 provide an eligible adult with or willful withholding from an  
6 eligible adult the necessities of life including, but not  
7 limited to, food, clothing, shelter or health care. This  
8 subsection does not create any new affirmative duty to provide  
9 support to eligible adults. Nothing in this Act shall be  
10 construed to mean that an eligible adult is a victim of neglect  
11 because of health care services provided or not provided by  
12 licensed health care professionals.

13 (h) "Provider agency" means any public or nonprofit agency  
14 in a planning and service area appointed by the regional  
15 administrative agency with prior approval by the Department on  
16 Aging to receive and assess reports of alleged or suspected  
17 abuse, neglect, or financial exploitation.

18 (i) "Regional administrative agency" means any public or  
19 nonprofit agency in a planning and service area so designated  
20 by the Department, provided that the designated Area Agency on  
21 Aging shall be designated the regional administrative agency if  
22 it so requests. The Department shall assume the functions of  
23 the regional administrative agency for any planning and service  
24 area where another agency is not so designated.

25 (i-5) "Self-neglect" means a condition that is the result  
26 of an eligible adult's inability, due to physical or mental

1 impairments, or both, or a diminished capacity, to perform  
2 essential self-care tasks that substantially threaten his or  
3 her own health, including: providing essential food, clothing,  
4 shelter, and health care; and obtaining goods and services  
5 necessary to maintain physical health, mental health,  
6 emotional well-being, and general safety. The term includes  
7 compulsive hoarding, which is characterized by the acquisition  
8 and retention of large quantities of items and materials that  
9 produce an extensively cluttered living space, which  
10 significantly impairs the performance of essential self-care  
11 tasks or otherwise substantially threatens life or safety.

12 (j) "Substantiated case" means a reported case of alleged  
13 or suspected abuse, neglect, financial exploitation, or  
14 self-neglect in which a provider agency, after assessment,  
15 determines that there is reason to believe abuse, neglect, or  
16 financial exploitation has occurred.

17 (Source: P.A. 96-339, eff. 7-1-10; 96-526, eff. 1-1-10; 96-572,  
18 eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227,  
19 eff. 1-1-12; 97-300, eff. 8-11-11; revised 10-4-11.)

20 Section 10. The Unified Code of Corrections is amended by  
21 changing Section 5-5-5 as follows:

22 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

23 Sec. 5-5-5. Loss and Restoration of Rights.

24 (a) Conviction and disposition shall not entail the loss by

1 the defendant of any civil rights, except under this Section  
2 and Sections 29-6 and 29-10 of The Election Code, as now or  
3 hereafter amended.

4 (b) A person convicted of a felony shall be ineligible to  
5 hold an office created by the Constitution of this State until  
6 the completion of his sentence.

7 (c) A person sentenced to imprisonment shall lose his right  
8 to vote until released from imprisonment.

9 (d) On completion of sentence of imprisonment or upon  
10 discharge from probation, conditional discharge or periodic  
11 imprisonment, or at any time thereafter, all license rights and  
12 privileges granted under the authority of this State which have  
13 been revoked or suspended because of conviction of an offense  
14 shall be restored unless the authority having jurisdiction of  
15 such license rights finds after investigation and hearing that  
16 restoration is not in the public interest. This paragraph (d)  
17 shall not apply to the suspension or revocation of a license to  
18 operate a motor vehicle under the Illinois Vehicle Code.

19 (e) Upon a person's discharge from incarceration or parole,  
20 or upon a person's discharge from probation or at any time  
21 thereafter, the committing court may enter an order certifying  
22 that the sentence has been satisfactorily completed when the  
23 court believes it would assist in the rehabilitation of the  
24 person and be consistent with the public welfare. Such order  
25 may be entered upon the motion of the defendant or the State or  
26 upon the court's own motion.

1           (f) Upon entry of the order, the court shall issue to the  
2 person in whose favor the order has been entered a certificate  
3 stating that his behavior after conviction has warranted the  
4 issuance of the order.

5           (g) This Section shall not affect the right of a defendant  
6 to collaterally attack his conviction or to rely on it in bar  
7 of subsequent proceedings for the same offense.

8           (h) No application for any license specified in subsection  
9 (i) of this Section granted under the authority of this State  
10 shall be denied by reason of an eligible offender who has  
11 obtained a certificate of relief from disabilities, as defined  
12 in Article 5.5 of this Chapter, having been previously  
13 convicted of one or more criminal offenses, or by reason of a  
14 finding of lack of "good moral character" when the finding is  
15 based upon the fact that the applicant has previously been  
16 convicted of one or more criminal offenses, unless:

17           (1) there is a direct relationship between one or more  
18 of the previous criminal offenses and the specific license  
19 sought; or

20           (2) the issuance of the license would involve an  
21 unreasonable risk to property or to the safety or welfare  
22 of specific individuals or the general public.

23           In making such a determination, the licensing agency shall  
24 consider the following factors:

25           (1) the public policy of this State, as expressed in  
26 Article 5.5 of this Chapter, to encourage the licensure and

1 employment of persons previously convicted of one or more  
2 criminal offenses;

3 (2) the specific duties and responsibilities  
4 necessarily related to the license being sought;

5 (3) the bearing, if any, the criminal offenses or  
6 offenses for which the person was previously convicted will  
7 have on his or her fitness or ability to perform one or  
8 more such duties and responsibilities;

9 (4) the time which has elapsed since the occurrence of  
10 the criminal offense or offenses;

11 (5) the age of the person at the time of occurrence of  
12 the criminal offense or offenses;

13 (6) the seriousness of the offense or offenses;

14 (7) any information produced by the person or produced  
15 on his or her behalf in regard to his or her rehabilitation  
16 and good conduct, including a certificate of relief from  
17 disabilities issued to the applicant, which certificate  
18 shall create a presumption of rehabilitation in regard to  
19 the offense or offenses specified in the certificate; and

20 (8) the legitimate interest of the licensing agency in  
21 protecting property, and the safety and welfare of specific  
22 individuals or the general public.

23 (i) A certificate of relief from disabilities shall be  
24 issued only for a license or certification issued under the  
25 following Acts:

26 (1) the Animal Welfare Act; except that a certificate

1 of relief from disabilities may not be granted to provide  
2 for the issuance or restoration of a license under the  
3 Animal Welfare Act for any person convicted of violating  
4 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
5 Care for Animals Act or Section 26-5 of the Criminal Code  
6 of 1961;

7 (2) the Illinois Athletic Trainers Practice Act;

8 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
9 and Nail Technology Act of 1985;

10 (4) the Boiler and Pressure Vessel Repairer Regulation  
11 Act;

12 (5) the Boxing and Full-contact Martial Arts Act;

13 (6) the Illinois Certified Shorthand Reporters Act of  
14 1984;

15 (7) the Illinois Farm Labor Contractor Certification  
16 Act;

17 (8) the Interior Design Title Act;

18 (9) the Illinois Professional Land Surveyor Act of  
19 1989;

20 (10) the Illinois Landscape Architecture Act of 1989;

21 (11) the Marriage and Family Therapy Licensing Act;

22 (12) the Private Employment Agency Act;

23 (13) the Professional Counselor and Clinical  
24 Professional Counselor Licensing Act;

25 (14) the Real Estate License Act of 2000;

26 (15) the Illinois Roofing Industry Licensing Act;

1 (16) the Professional Engineering Practice Act of  
2 1989;

3 (17) the Water Well and Pump Installation Contractor's  
4 License Act;

5 (18) the Electrologist Licensing Act;

6 (19) the Auction License Act;

7 (20) Illinois Architecture Practice Act of 1989;

8 (21) the Dietitian Nutritionist ~~Dietetic and Nutrition~~  
9 ~~Services~~ Practice Act;

10 (22) the Environmental Health Practitioner Licensing  
11 Act;

12 (23) the Funeral Directors and Embalmers Licensing  
13 Code;

14 (24) the Land Sales Registration Act of 1999;

15 (25) the Professional Geologist Licensing Act;

16 (26) the Illinois Public Accounting Act; and

17 (27) the Structural Engineering Practice Act of 1989.

18 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.

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2	Statutes amended in order of appearance	
3	5 ILCS 80/4.23	
4	5 ILCS 80/4.33 new	
5	20 ILCS 2310/2310-210	was 20 ILCS 2310/55.62a
6	215 ILCS 5/356w	
7	225 ILCS 30/1	from Ch. 111, par. 8401-1
8	225 ILCS 30/10	from Ch. 111, par. 8401-10
9	225 ILCS 30/15	from Ch. 111, par. 8401-15
10	225 ILCS 30/15.5	
11	225 ILCS 30/20	from Ch. 111, par. 8401-20
12	225 ILCS 30/30	from Ch. 111, par. 8401-30
13	225 ILCS 30/45	from Ch. 111, par. 8401-45
14	225 ILCS 30/65	from Ch. 111, par. 8401-65
15	225 ILCS 30/70	from Ch. 111, par. 8401-70
16	225 ILCS 30/80	from Ch. 111, par. 8401-80
17	225 ILCS 30/85	from Ch. 111, par. 8401-85
18	225 ILCS 30/95	from Ch. 111, par. 8401-95
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20	225 ILCS 30/100	from Ch. 111, par. 8401-100
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23	225 ILCS 30/110	from Ch. 111, par. 8401-110
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4	225 ILCS 30/140	from Ch. 111, par. 8401-140
5	225 ILCS 30/145	from Ch. 111, par. 8401-145
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7	225 ILCS 30/165	from Ch. 111, par. 8401-165
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9	225 ILCS 30/180	from Ch. 111, par. 8401-180
10	225 ILCS 30/56 rep.	
11	225 ILCS 30/87 rep.	
12	320 ILCS 20/2	from Ch. 23, par. 6602
13	730 ILCS 5/5-5-5	from Ch. 38, par. 1005-5-5